

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

LISA RICCOCENE	)	
Plaintiff	)	
	)	
v.	)	C.A. No. 04-10256-MEL
	)	
MASSACHUSETTS BAY	)	
TRANSPORTATION AUTHORITY	)	
And	)	
ANNE McCALL	)	
Defendants	)	
	)	

JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1

Pursuant to Local Rule 16.1(D), the parties hereby submit the following Agenda for Scheduling Conference, Proposed Pretrial Schedule, and Certification. There are no areas of dispute with regard to the Proposed Pretrial Schedule.

**I. Agenda of Matters to be Discussed at Scheduling Conference**

**A. Proposed Pretrial Schedule**

1. Discovery Plan
2. Motion Schedule
3. Pretrial Conference
4. Any matter listed in FRCP 16(c), or which the Court deems appropriate.

**B. Mediation/Alternative Dispute Resolution**

**C. Trial by Magistrate Judge**-At this time, the parties are not willing to have this case tried by a Magistrate Judge.

**D. Plaintiff's Settlement Proposal**

## **II. Proposed Pretrial Schedule**

### **A. Discovery Plan**

#### **1. Deadline for the Completion of Fact Discovery: August 16, 2005**

Discovery shall be served so that the responses shall be served or depositions shall be completed by August 16, 2005. For the time being, the parties agree that the discovery shall be conducted pursuant to the limitations set forth in Local Rule 26.1(C). Neither party waives the right to seek leave of court to conduct discovery beyond that provided for in the Local Rules. Should either party determine that discovery beyond the limitations set forth in Local Rule 26.1 (C) is needed, such party will endeavor to reach agreement on the issue with opposing counsel before raising it with the Court.

### **B. Motion Schedule**

#### **1. Motions for Summary Judgment pursuant to Rule 56 shall be filed by **October 16, 2005**. The Opposition to the Motion for Summary Judgment shall be filed by **November 16, 2005**.**

## **III. Certification By Counsel and Parties**

Pursuant to Local Rule 16.1 (D)(3), the certification from counsel for Plaintiff and Plaintiff that they have conferred on the matters set forth in that Rule is attached hereto. Pursuant to Local Rule 16.1 (D)(3), the certification from counsel for Defendants and an authorized representative of Defendants that they have conferred on the matters set forth in that Rule is attached hereto.

Lisa Riccobene  
By her attorney

/s/ Mitchell J. Notis (JLE)   
Mitchell J. Notis  
Law Office of Mitchell J. Notis  
370 Washington Street  
Brookline, MA 02445  
617-566-2700  
BBO# 374360

Massachusetts Bay Transportation Authority  
Anne McCall  
By their attorneys,

*Joseph L. Edwards*  
/s/ Joseph L. Edwards Jr.  
Walter B. Prince (BBO#406640)  
Joseph L. Edwards, Jr. (BBO#564288)  
Prince, Lobel, Glovsky & Tye LLP  
585 Commercial Street  
Boston, MA 02109  
617-456-8000

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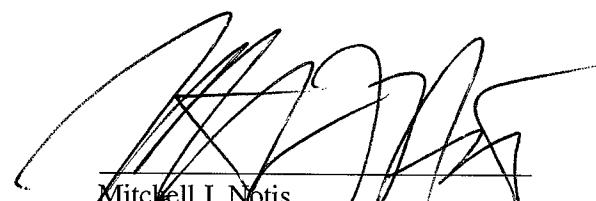
LOCAL RULE 16.1 CERTIFICATION

Lisa Riccobene, Plaintiff in the above-captioned action, and Mitchell J. Notis, counsel to Plaintiff Riccobene in this action, hereby certify and confirm that they have conferred:

- a. with a view to establishing a budget for the costs of conducting the full course and various alternative courses of this litigation; and
- b. to consider the resolution of this litigation through the use of alternative dispute resolution programs.



Lisa Riccobene



Mitchell J. Notis  
Law Office of Mitchell J. Notis  
370 Washington Street  
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617-566-2700  
BBO# 374360

12/8/04

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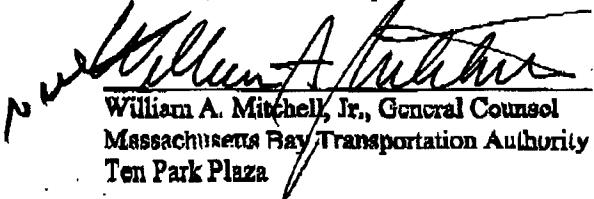
LOCAL RULE 16.1 (D) CERTIFICATE

PLEASE TAKE NOTICE THAT the undersigned parties to this action, and their counsel, hereby certify pursuant to Local Rule 16.1(D)(3) of the Local Rules of the United States District Court for the District of Massachusetts that:

- (a) they have conferred with a view to establishing a budget for the costs of conducting the full course, and various alternative courses, of this litigation; and
- (b) they have conferred to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4

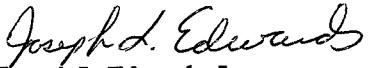
MASSACHUSETTS BAY  
TRANSPORTATION AUTHORITY

By its duly authorized representative,



William A. Mitchell, Jr., General Counsel  
Massachusetts Bay Transportation Authority  
Ten Park Plaza

By its attorneys,



Joseph L. Edwards  
/s/ Joseph L. Edwards, Jr.  
Walter B. Prince, BBO#406640  
Joseph L. Edwards, BBO #564288  
Prince, Lobel, Giovsky & Tye LLP

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Anne McCall